

## **REMARKS**

### **Status of the Claims**

Claims 1, 3, 4, 7 and 9 are currently pending in the application. Claims 1-4, 7 and 9 stand rejected. Claims 1 and 9 have been amended. Claim 2 has been cancelled. All amendments and cancellations are made without prejudice or disclaimer. No new matter has been added by way of the present amendments. Specifically, the amendment to claim 1 is supported by the specification at, for instance, paragraphs [0010] and [0011]. The amendments of claim 9 are non-narrowing amendments making claim 9 more consistent with the amendments of claim 1. Reconsideration is respectfully requested.

### **Interview**

Applicants and Applicants' representatives thank the Examiner for extending the courtesy of an interview on April 9, 2008. During the interview, all issues barring allowance of the present claims were discussed. Particularly, a set of claim amendments proposed by Applicants were reviewed by the Examiner and discussed. The Examiner indicated agreement that if the proposed amendments to the claims were submitted, they would most likely address all outstanding rejections and most likely place the claims in condition for allowance. Therefore, pursuant thereto, Applicants submit herein the proposed claim amendments for entry into the record and consideration by the Examiner. Reconsideration and allowance thereof are respectfully requested.

**Rejections Under 35 U.S.C. § 103(a)**

Pai, U.S. Patent No. 5,516,338

Claims 1-4, 7 stand 9 rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Pai, U.S. Patent No. 5,516,338 (hereinafter, "Pai"). (*See*, Office Action of January 11, 2008, at pages 3-4, hereinafter, "Office Action"). Claim 2 has been cancelled, thus obviating the rejection as to claim 2. Applicants traverse the rejection as to the remaining claims.

The Examiner states that Applicants' amendments and arguments were fully considered but not found persuasive because Pai discloses that ferric titanate and titanium potassium are art-recognized equivalents for dyeing of nylon, and that tannic acid and myrobalan oxalate are also art-recognized equivalents for dyeing of nylon.

Although Applicants do not agree that Pai makes obvious the presently claimed invention, to expedite prosecution, claim 1 has been amended to recite, in part, "treating the tangible matter having a polyamide bond with an aqueous solution containing an aromatic derivative having one or more hydroxyl groups selected from the group consisting of: dihydroxybenzoic acid, dihydroxybenzaldehyde, trihydroxybenzoic acid and trihydroxybenzaldehyde, and a metal salt selected from the group consisting of: iron (II or III) salt, copper salt, aluminum salt and nickel salt, wherein the salt is a nitrate, sulfate, chloride, acetate or citrate, at a temperature of 40°C or more, simultaneously or separately, wherein the tangible matter is colored without using any dye."

Pai does not disclose or reasonably suggest this combination of components in the aqueous solution. Therefore, since Pai does not disclose or suggest all of the limitations of the

presently pending claims, the Pai disclosure does not support a *prima facie* case of obviousness with respect to the presently claimed invention.

Since no specific reasoning is provided for the rejection of dependent claims 3, 4, 7 and 9, these claims are also believed to not be obvious in light of Pai for, *inter alia*, depending from a non-obvious base claim, amended claim 1.

Reconsideration and withdrawal of the obviousness rejection of claims 1, 3, 4, 7 and 9 are respectfully requested.

#### Hall & Khristov

Claims 1-4, 7 stand 9 rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Hall, U.S. Patent No. 5,861,045 (hereinafter, "Hall"), in view of Khristov, BG 50051 A3 (hereinafter, "Khristov"). (See, Office Action, at pages 4-5). Claim 2 has been cancelled, thus obviating the rejection as to claim 2. Applicants traverse the rejection as to the remaining claims.

At page 5 of the Office Action, the Examiner provides the following comment: "Regarding the claimed limitation of 'without the use of a dye', the claims do not require a coloring method which does not use dye by rather the tannic acid and iron salt treatment steps which do not use a dye." The Examiner admits that Hall apparently does not disclose treating with both ingredients simultaneously. To find disclosure of the limitation "simultaneously," the Examiner refers to the disclosure of Khristov. The Examiner states that Khristov discloses treating a textile with both tannic acid and an iron salt at the same time for 1-30 minutes and including gallic acid.

Although Applicants do not agree that the disclosures of the cited references make obvious the presently claimed invention, to expedite prosecution, claim 1 has been amended to recite, in part, "treating the tangible matter having a polyamide bond with an aqueous solution containing an aromatic derivative having one or more hydroxyl groups selected from the group consisting of: dihydroxybenzoic acid, dihydroxybenzaldehyde, trihydroxybenzoic acid and trihydroxybenzaldehyde, and a metal salt selected from the group consisting of: iron (II or III) salt, copper salt, aluminum salt and nickel salt, wherein the salt is a nitrate, sulfate, chloride, acetate or citrate, at a temperature of 40°C or more, simultaneously or separately, wherein the tangible matter is colored without using any dye."

Neither Hall nor Khristov disclose or reasonably suggest this combination of components in the aqueous solution. Particularly, as stated by the Examiner, the references do not disclose or reasonably suggest "wherein the tangible matter is colored without using any dye." Therefore, since the cited references do not disclose or suggest all of the limitations of the presently pending claims, the disclosures of the cited references, even when considered in combination, do not support a *prima facie* case of obviousness with respect to the presently claimed invention.

Since no specific reasoning is provided for the rejection of dependent claims 3, 4, 7 and 9, these claims are also believed to not be obvious in light of the cited references for, *inter alia*, depending from a non-obvious base claim, amended claim 1.

Reconsideration and withdrawal of the obviousness rejection of claims 1, 3, 4, 7 and 9 are respectfully requested.

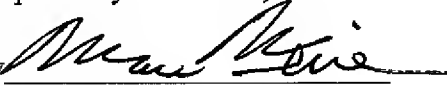
### CONCLUSION

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No. 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under §1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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